



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: **NAN-2008-00314-WSC**

Issue Date: May 12, 2009

Expiration Date: June 12, 2009

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Center Point Terminal Newark, LLC
8235 Forsyth Blvd, Suite 400
Clayton, MO 63105

ACTIVITY: Replace and / or Rehabilitate Existing Barge Berth's Mooring Structures and Shoreline Riprap

WATERWAY: Passaic River

LOCATION: 678 Doremus Avenue, Newark, Essex County, New Jersey

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a

PLEASE INCLUDE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Waterfront Development Permit from the New Jersey Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



for Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, Center Point Terminal Newark, LLC, is requesting a Department of the Army permit to replace and/or rehabilitate existing barge berth's mooring structures and shoreline riprap at its existing operating terminal located in the Passaic River at 678 Doremus Avenue, Newark, Essex County, New Jersey.

The requested permit involves demolishing the existing north, south, and central platform structures, and inactive pipe racks to allow building of the new structures. The existing barge berth is approximately 680 feet in length. The berth would be minimized to 300 feet in length, resulting in the exposure to sunlight of approximately 5,020 square feet of the river's water surface. The regulated construction elements of the applicant's barge berth rehabilitation project consist of:

Replacement Work Wharf: A replacement centralized pile-supported 55-foot wide concrete work wharf platform extending 78 feet channelward from the Spring High Water line would be supported by twenty four (24) 16-inch-diameter steel pilings. The replacement work wharf would support the existing active product transfer pipe rack as well as the existing vapor recovery system. Twelve (12) 12-inch-diameter timber fender pilings would line the channelward face of the wharf platform.

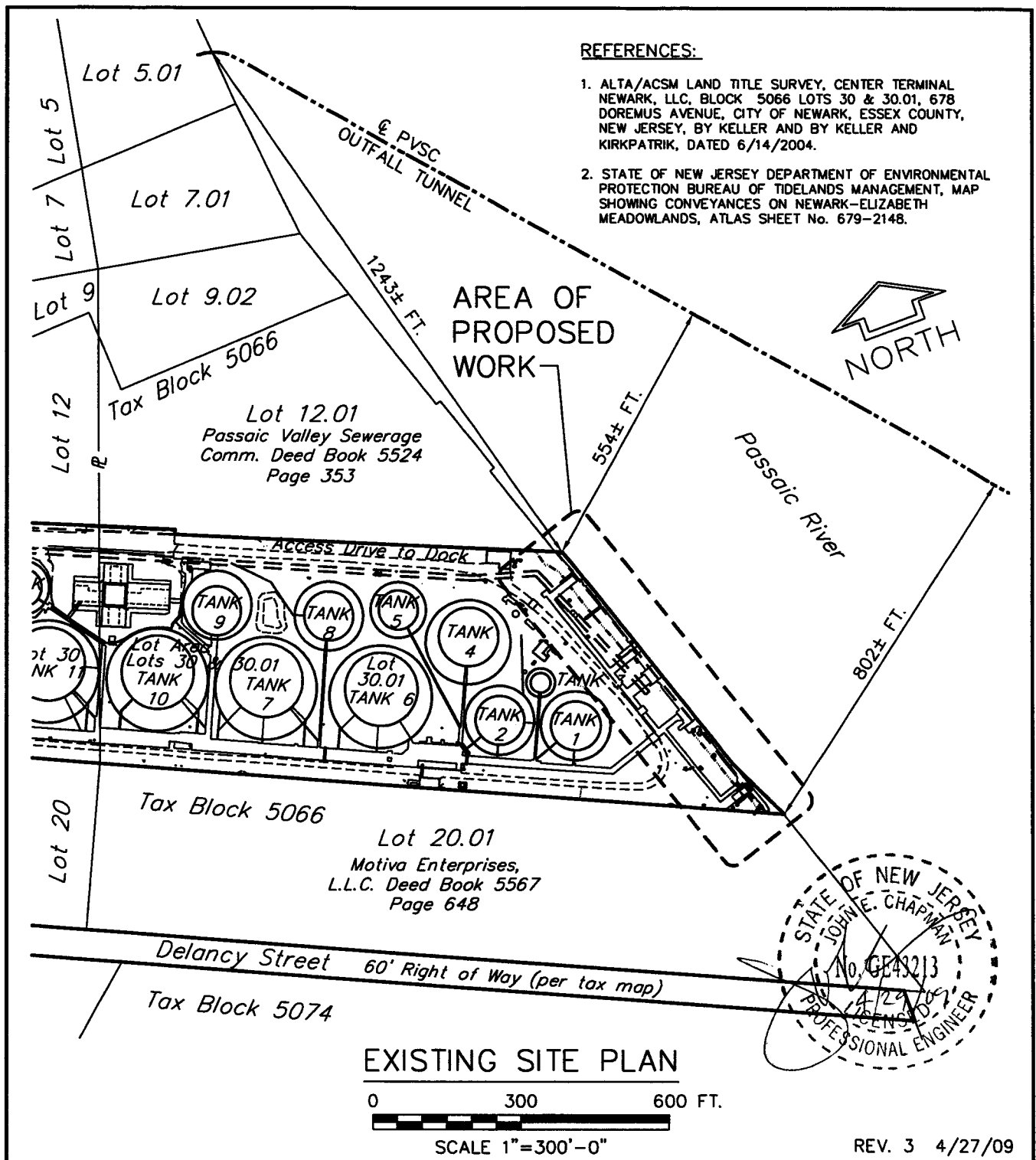
New Mooring Dolphins: Four (4) new mooring dolphins would be constructed in line with the channelward face of the replacement work wharf. Each dolphin would be supported by eight (8) 20-inch-diameter pipe piles.

Replacement Catwalk Piers: Three hundred and sixty-five (365) linear feet of new 3-foot-wide access and safety catwalks would be constructed to connect the upland with the new mooring dolphins and the replacement work wharf platform as shown on the attached application drawings.

New Stone Riprap: The existing central wharf platform area of approximately 200 linear feet of shoreline would be demolished with the existing structures of sheet pile bulkhead, soldier piles, and fender piles cut off at elevation -9 feet MLW; and the existing backfill removed and regraded to facilitate the placement of stone riprap on a 2:1 slope, first underlain by geotextile fabric. A total of approximately 3,456 cubic yards of the existing central platform backfill would be removed of which approximately 2,140.7 cubic yards is waterward of the Spring High Water line. The proposed new stone riprap would have an area of 6,600 square feet and a volume of 733.3 cubic yards waterward of the Spring High Water line. This would result in a net removal of approximately 1,407.4 cubic yards of previously-placed fill material waterward of the Spring High Water line. This removed material will be disposed upland at a State-approved placement site outside of Department of the Army Regulatory jurisdiction.

The proposed new structures' berthing line would be located 30 feet closer to the western edge of the existing Federal navigation channel to reduce the need and volume of any future maintenance dredging. The new berthing line would be 60 feet landward from the western edge of the existing Federal navigation channel. The permit applicant states that barges in the berth will be limited to a maximum width of 60 feet.

The permit applicant's stated purpose for the regulated work is to allow for continued safe barge berthing and bulk liquid shipments transfer operations, and to extend the life of the existing facilities.



PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

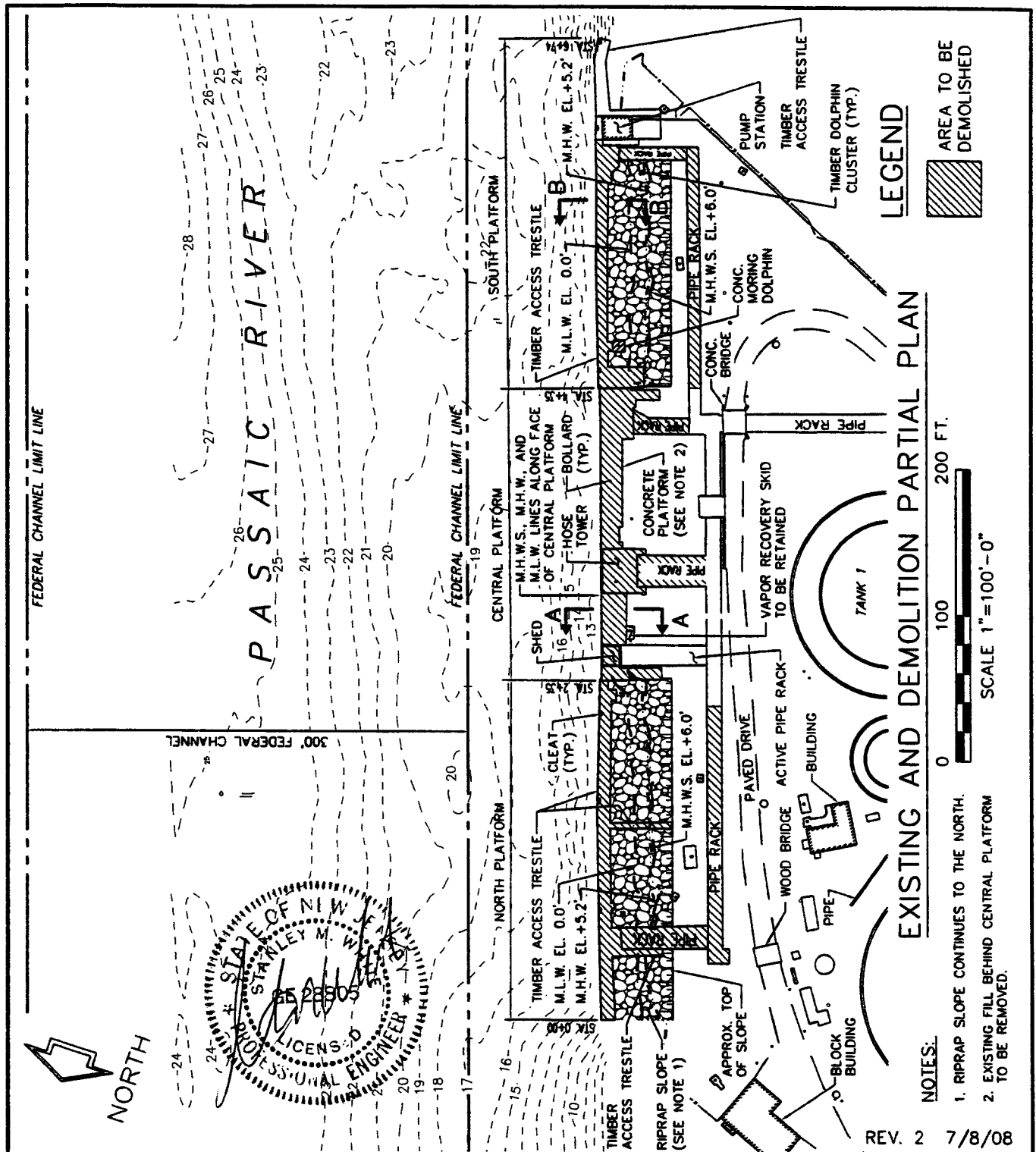
CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

APPLICATION BY: CENTER POINT TERMINAL NEWARK, LLC

APPLICATION Nos.: 0714-08-0002.1 WFD 080001
NAN-2008-314-EHA

DATE: 1/14/08

SHEET 2 OF 12



PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

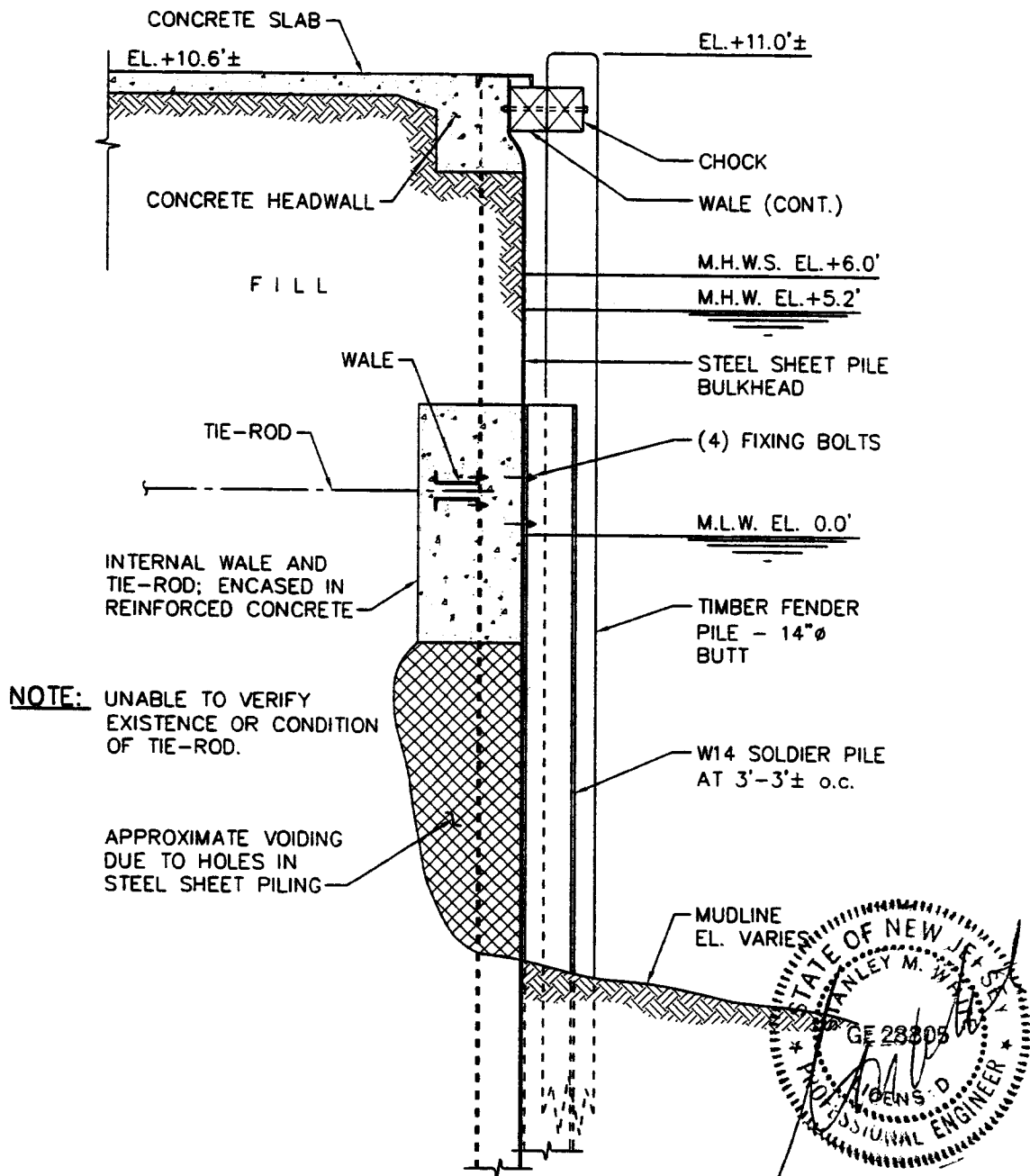
CITY OF NEWARK, COUNTY OF ESSEX
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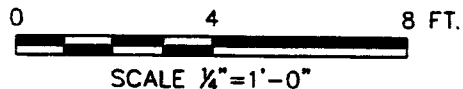
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SHEET 3 OF 12



EXISTING CENTER PLATFORM SECTION A-A



REV. 2 7/8/08

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PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

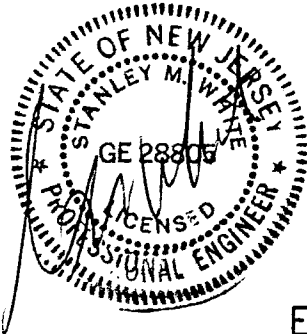
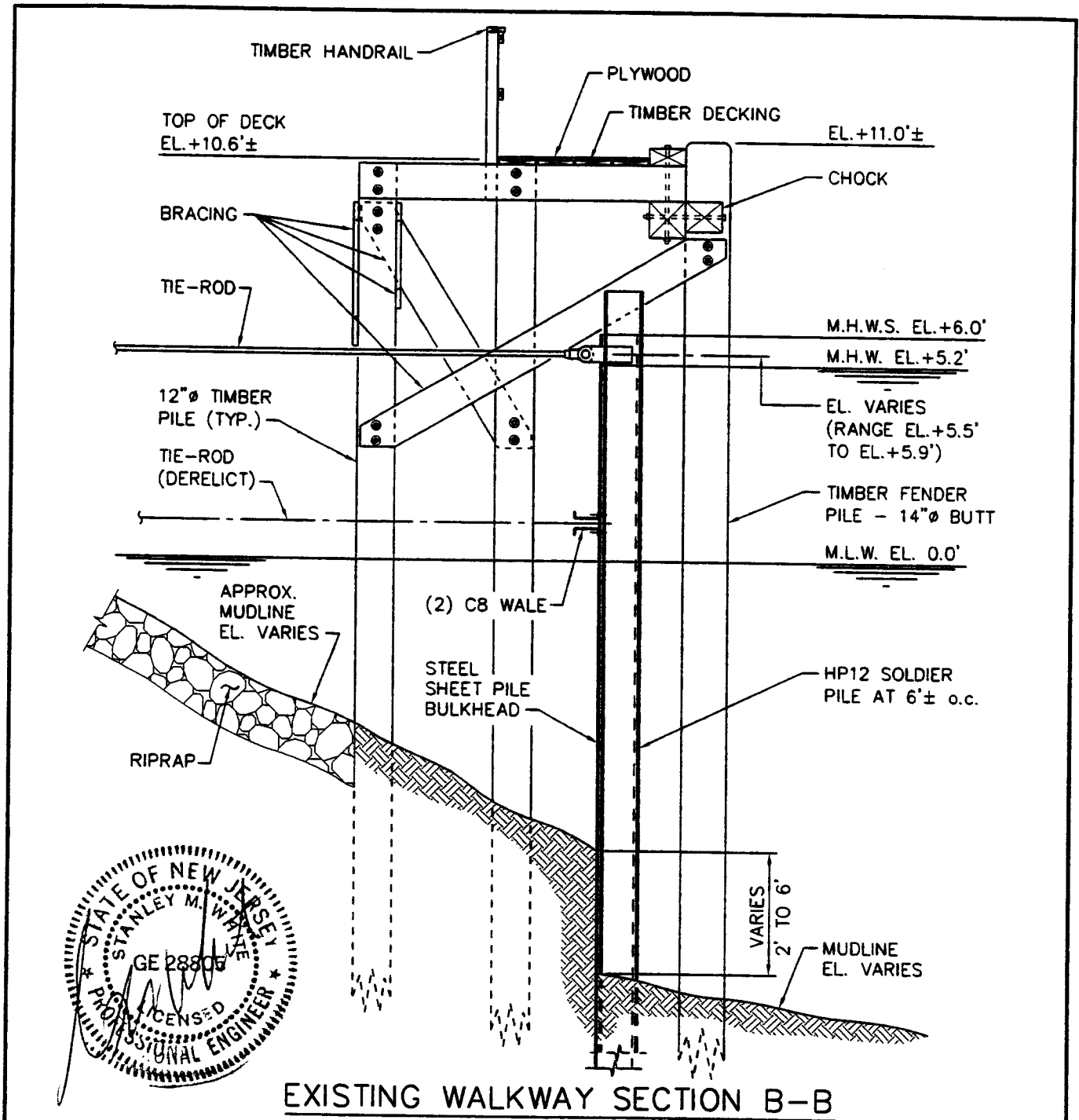
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SHEET 4 OF 12



EXISTING WALKWAY SECTION B-B

0 4 8 FT.

SCALE 1/4"=1'-0"

REV. 2 7/8/08

PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

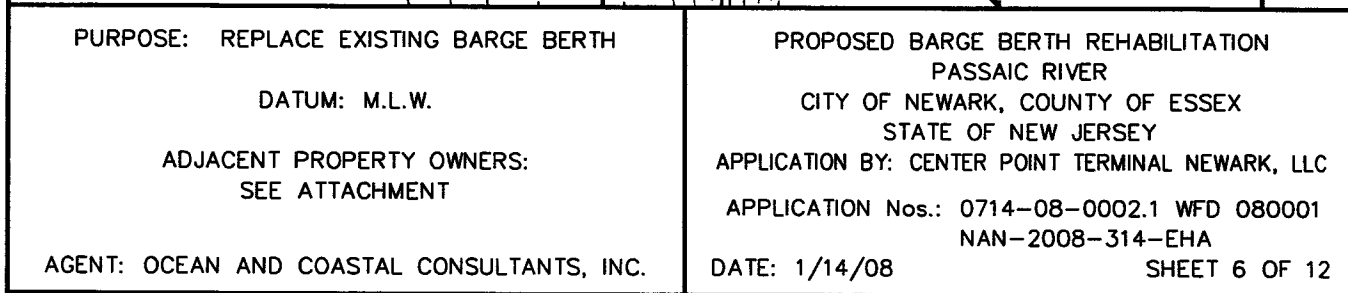
APPLICATION BY: CENTER POINT TERMINAL NEWARK, LLC

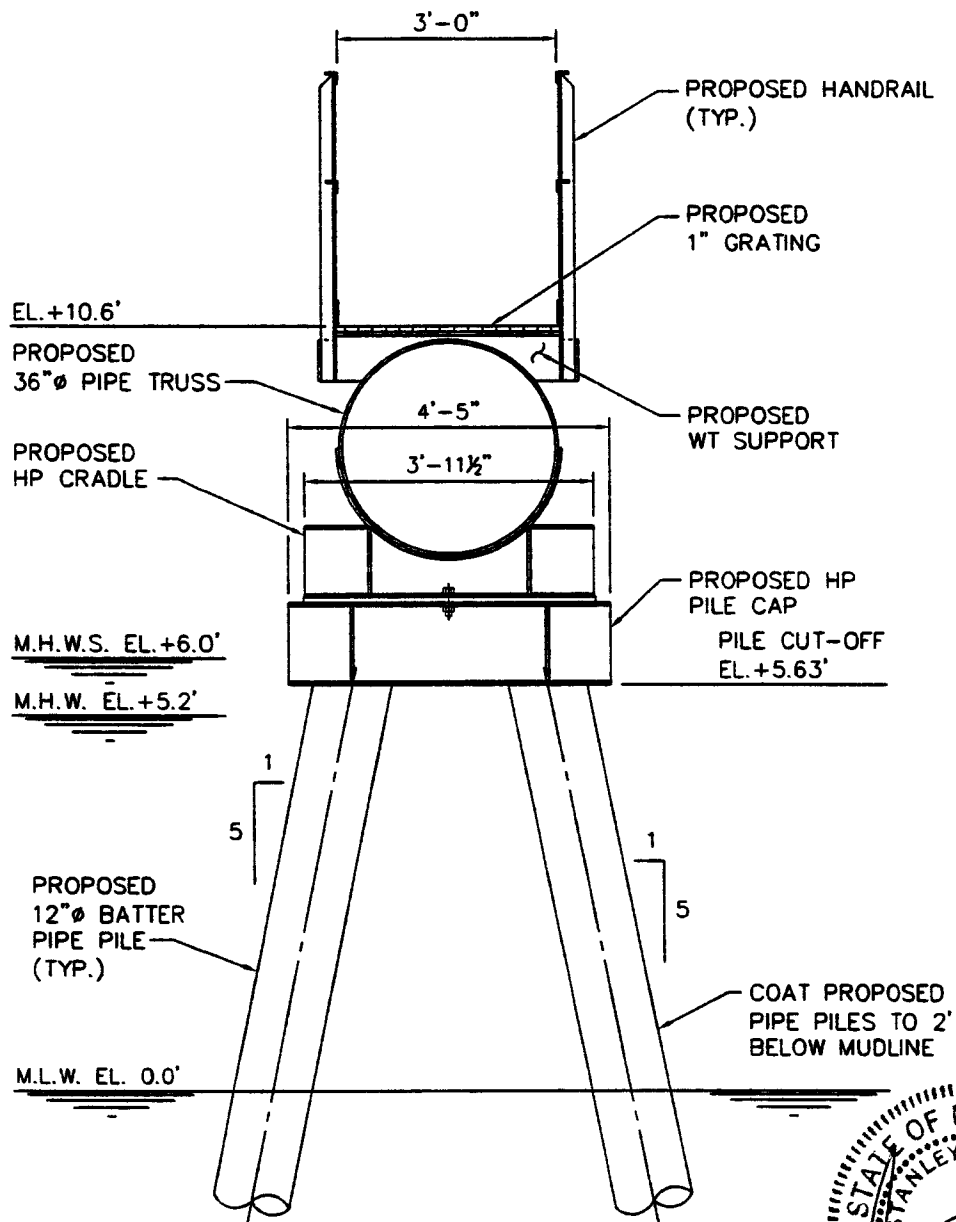
APPLICATION Nos.: 0714-08-0002.1 WFD 080001

NAN-2008-314-EHA

DATE: 1/14/08

SHEET 5 OF 12





PROPOSED CATWALK SECTION C-C

0 1 2 3 4 5 FT.

SCALE $\frac{3}{8}$ " = 1'-0"

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

REV. 2 7/8/08

PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

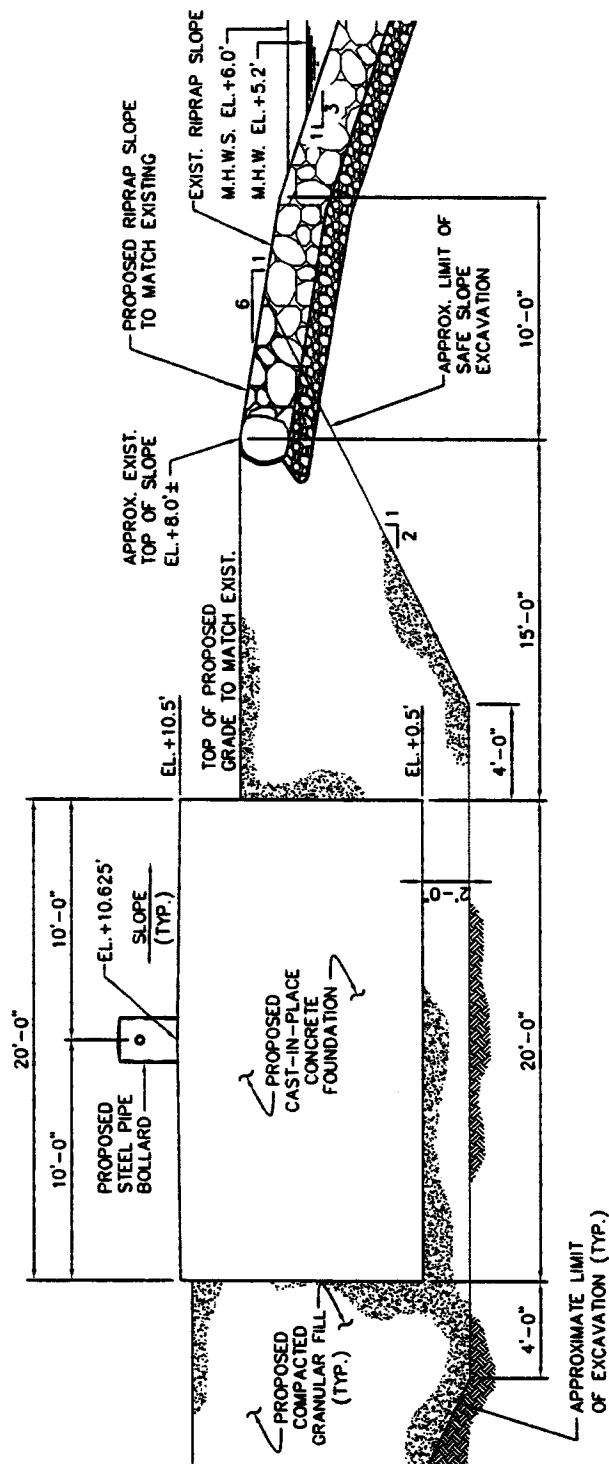
CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

APPLICATION BY: CENTER POINT TERMINAL NEWARK, LLC

APPLICATION Nos.: 0714-08-0002.1 WFD 080001
NAN-2008-314-EHA

DATE: 1/14/08

SHEET 7 OF 12



SECTION D-D

0 5 10 15 FT.

SCALE 1/8" = 1'-0"



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PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

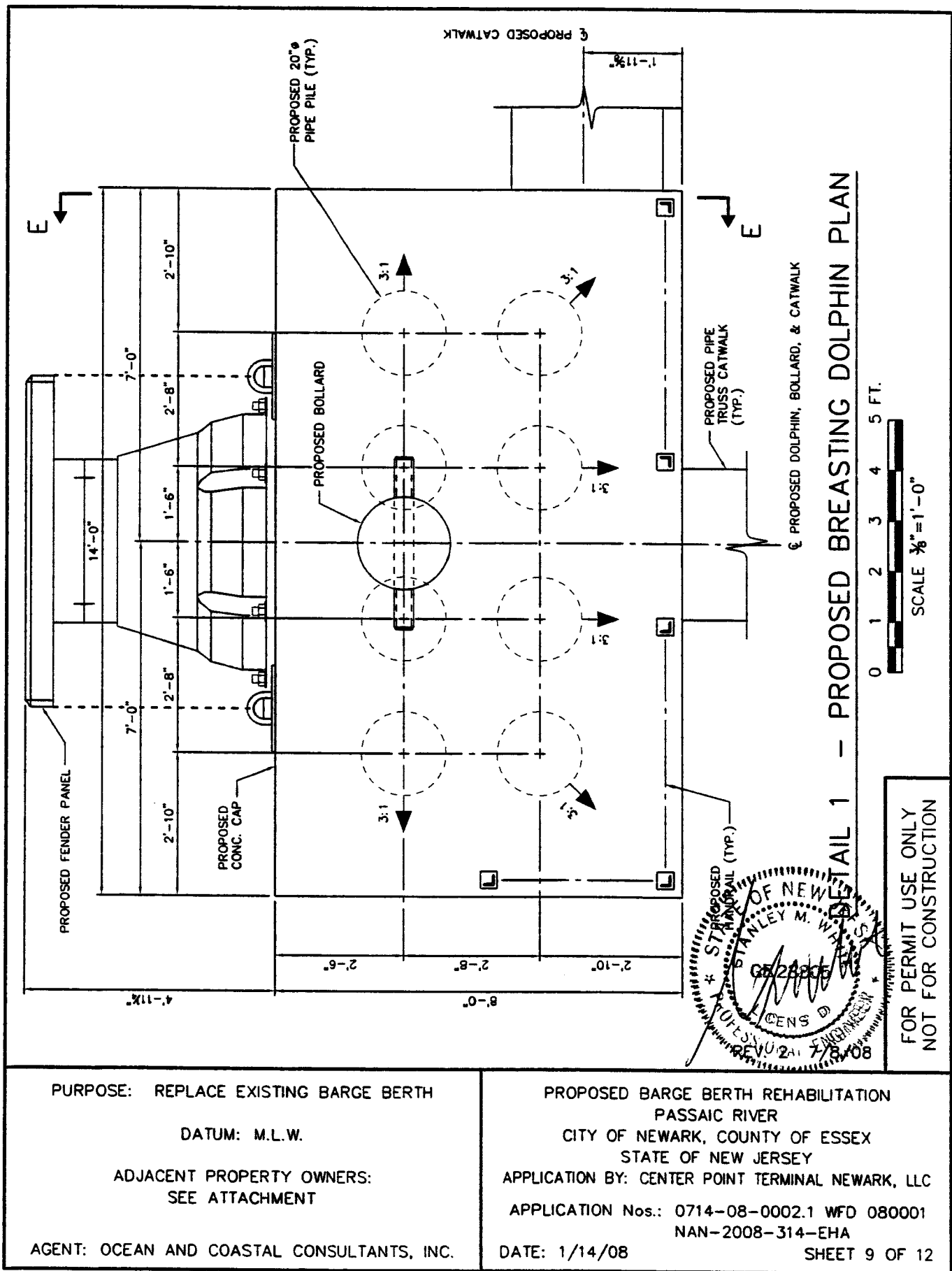
PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

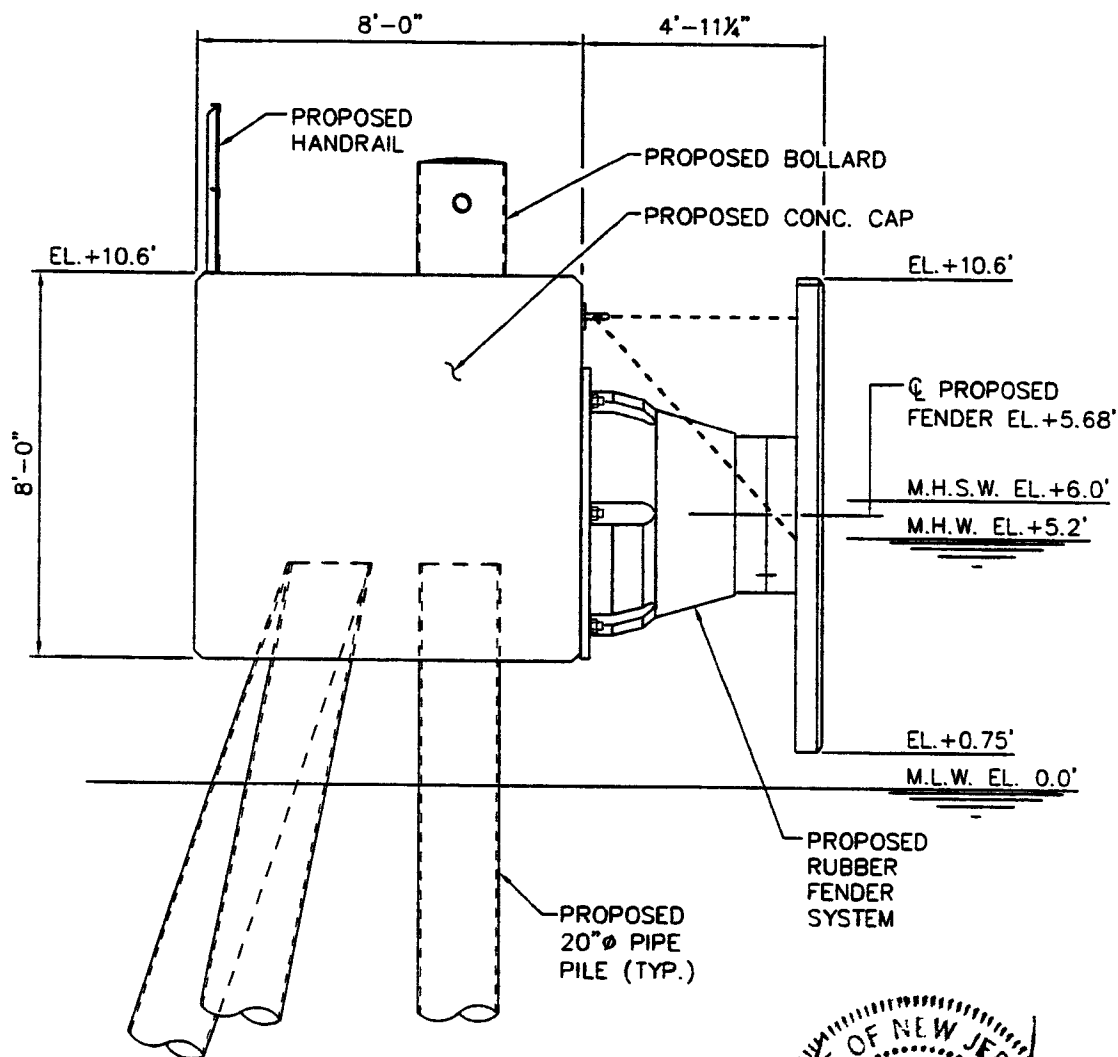
CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY
APPLICATION BY: CENTER POINT TERMINAL NEWARK, LLC

APPLICATION Nos.: 0714-08-0002.1 WFD 080001
NAN-2008-314-EHA

DATE: 1/14/08

SHEET 8 OF 12





ELEVATION E-E

0 4 8 FT.



SCALE 1/4"=1'-0"



FOR PERMIT USE ONLY
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REV. 1 7/8/08

PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

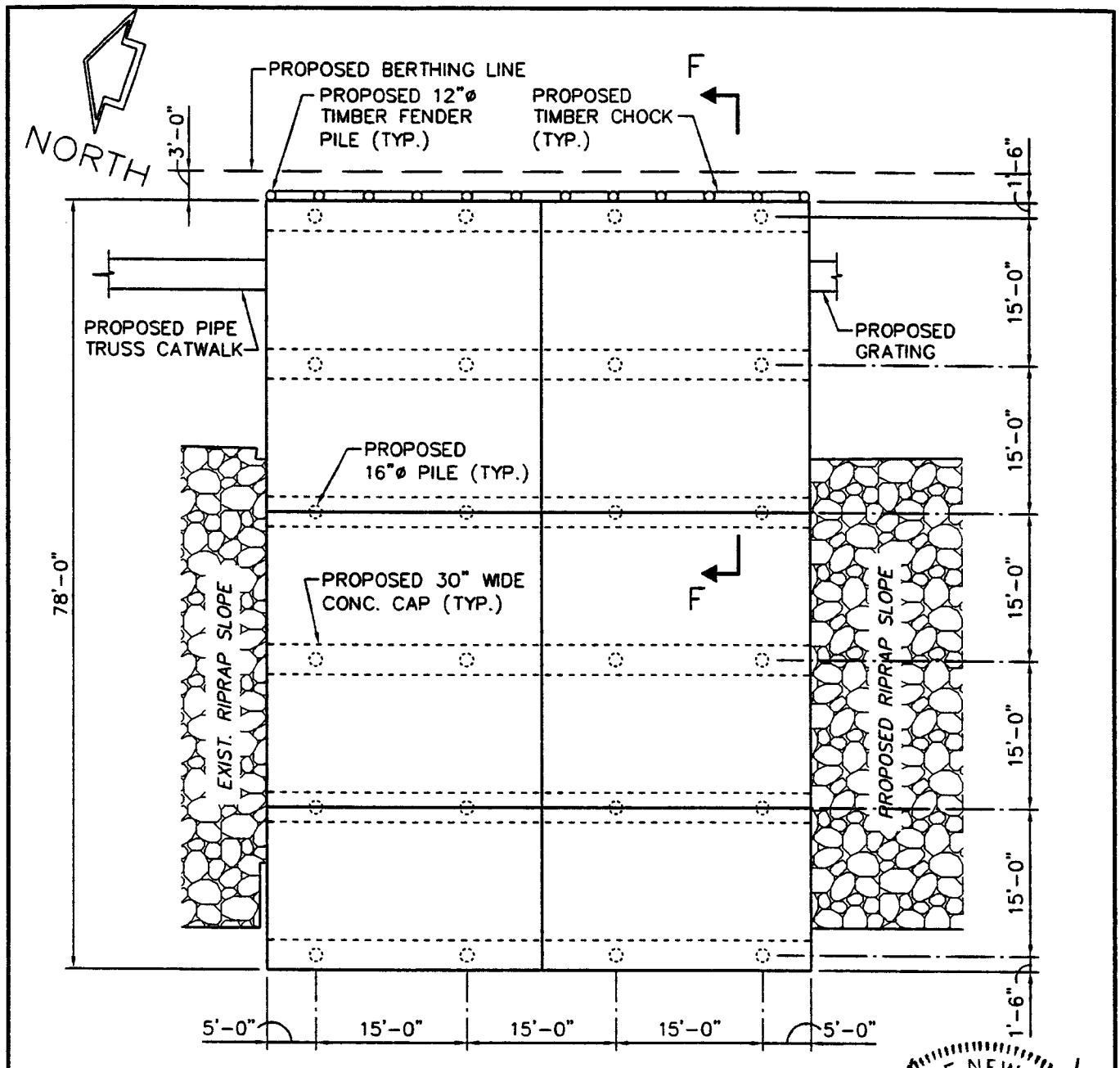
CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

APPLICATION BY: CENTER POINT TERMINAL NEWARK, LLC

APPLICATION Nos.: 0714-08-0002.1 WFD 080001
NAN-2008-314-EHA

DATE: 3/21/08

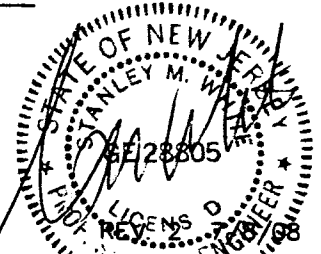
SHEET 10 OF 12



PROPOSED WHARF PILE PLAN

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

0 10 20 30 FT.
SCALE 1/16" = 1'-0"



PURPOSE: REPLACE EXISTING BARGE BERTH

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ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

CITY OF NEWARK, COUNTY OF ESSEX
STATE OF NEW JERSEY

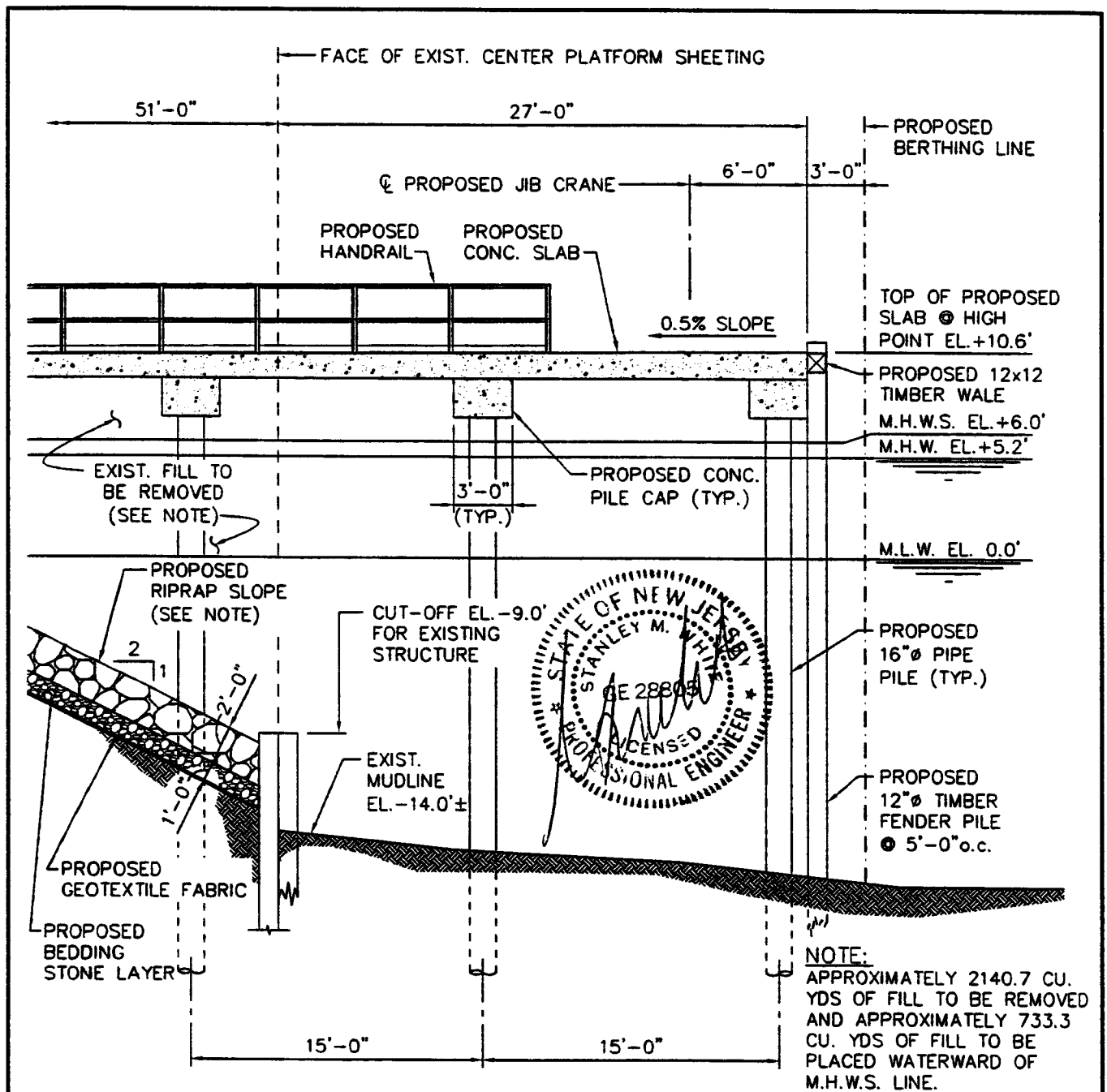
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NAN-2008-314-EHA

DATE: 1/14/08

SHEET 11 OF 12



FOR PERMIT USE ONLY
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PROPOSED WHARF SECTION F-F

0 5 10 15 FT.
SCALE $\frac{1}{8}"=1'-0"$

REV. 2 7/8/08

PURPOSE: REPLACE EXISTING BARGE BERTH

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED BARGE BERTH REHABILITATION
PASSAIC RIVER

CITY OF NEWARK, COUNTY OF ESSEX
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SHEET 12 OF 12